

Appln. No. 10/758,891
Amendment dated June 8, 2005
Reply to Office Action mailed March 8, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1, 2, and 5 through 24 remain in this application. Claims 3, 4, and 25 have been cancelled. No claims have been withdrawn. Claims 26 through 28 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1 and 2 of the Office Action

Claims 2, 15, and 23 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action. In particular, claim 2 has been amended to further clarify that the second hinge pivots about a pivot on the centerline. However, a search of the claims does not reveal a use of the term "docketing station". Claim 23 includes the terminology "docking station", and the language regarding the relationship between the elements has been further clarified in this claim.

However, the objection to claim 15 is not understood, as it does not include any of the terminology mentioned in the objection in the Office Action.

Withdrawal of the §112 rejection of claims 2, 15, and 23 is therefore respectfully requested.

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Paragraphs 3 through 6 of the Office Action

Claims 1 through 13 and 22 through 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kamikakai, U.S. patent No. 6,154,359.

Claims 14 through 21 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kamikakai, U.S. patent No. 6,154,359.

Claim 1, particularly as amended, requires "a pair of hinge assemblies mountable between a mobile computer lid and a mobile computer chassis" and "wherein the pair of hinge assemblies are unconnected to each other". This requirement, which is clearly supported in the disclosure, and particularly in drawing Figures 2A, 2C, and 3, is submitted to be completely foreign to the disclosure of the Kamikakai patent, in which a single, unitary hinge unit is employed. It is therefore submitted that the Kamikakai patent would not lead one of ordinary skill in the art to the invention required by the language of claim 1.

Claim 13 requires, in part, "detecting means for automatically detecting when the lid is in the second operative position". It is alleged that "it would have been an obvious matter of design choice to make the different portions of the disabling element of what ever form or shape was desired or expedient." However, it is submitted that one of ordinary skill in the art would not have found it obvious or merely a design choice to provide the Kamikakai apparatus with the claimed detecting means, especially as the Kamikakai patent does not disclose any specific mechanism for disabling the keyboard. Further, claim 18 requires "wherein the detecting means disables the keyboard when the lid is in the second operative position", and claim 25 requires "wherein the detecting means comprises a pressure switch located on the back side of the chassis in a location such that the at least one connecting member presses against the pressure switch when the lid is in the second operative position", and claim 27 requires "wherein the lid of the

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notebook computer includes a display, and wherein the second operative position is characterized by the display of the lid facing away from the chassis". It is submitted that the Kamikakai patent would not lead one of ordinary skill in the art to these requirements.

Claim 22 has been amended to include the requirements of claim 25, and therefore does not present any new issues for search or consideration. Claim 22 requires, in part, "wherein the notebook computer further comprises a chassis having a separator, the separator adapted to prevent the chassis from contacting a work surface when the display is in the second operative position and the chassis is facing the work surface". The rejection of claim 25 does not mention anything about the separator requirements of claim 25, but the rejection of claims 19 through 21 in the Office Action concedes that "the claimed separator structure is not shown in Kamikakai". It is then alleged in the Office Action that "the examiner serves Official Notice that well known in the art to use separating elements for the purpose of buffering contact between surfaces. It would have been obvious at the time the device was made for one skilled in the art to have includes such a modification, for the purpose of buffering contact between the two members". However, it is noted that Kamikakai patent relied upon in making the rejection fails to even recognize the problem addressed by the applicant's claimed invention, and one of ordinary skill in the art does not seek to solve a problem that the prior art has not identified.

Finally, to say that the missing step comes from the nature of the problem to be solved begs the question because the Board has failed to show that this problem had been previously identified anywhere in the prior art. *See In re Sponnable*, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969) ("[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified.")

In re Zurko, 42 USPQ2d 1476 (Fed. Cir. 1997).

Additionally, the Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to modify or combine

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reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. In re Sang Su Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). Therefore, it is submitted that without the prior art recognizing the problem addressed by the applicant's disclosure, it would not have been obvious to make the allegedly obvious combination set forth in the Office Action.

It is therefore submitted that the Kamikakai patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claims 1, 13, and 22, especially with the requirements set forth above, and therefore it is submitted that claims 1, 13, and 22 are allowable over the prior art, as well as the claims that depend from these claims


Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 24 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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